

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:20-CV-43-BO

MARK ANTHONY GUTHRIE, )  
Plaintiff, )  
 )  
v. )  
 )  
PHH MORTGAGE CORPORATION f/k/a )  
OCWEN LOAN SERVICING, LLC d/b/a )  
PHH MORTGAGE SERVICES, *et al.*, )  
Defendants. )

ORDER


This cause comes before the Court on defendant PHH Mortgage Corporation's motion to stay proceedings pending resolution of its petition for certiorari filed in the United States Supreme Court. [DE 147]. Plaintiff opposes a stay of this matter.

The Court presumes familiarity with the factual and procedural background of this case. A district court has inherent authority to manage its docket, which includes the authority to stay litigation pending the outcome of a decision by another court on an issue which would affect or control the outcome in a case before it. *See Ryan v. Gonzales*, 568 U.S. 57, 73 (2013); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). When determining whether to stay proceedings, a district court generally considers “(1) the interests of judicial economy; (2) hardship and equity to the moving party if the action is not stayed; and (3) potential prejudice to the non-moving party.” *Johnson v. DePuy Orthopaedics, Inc.*, No. 3:12-CV-2274-JFA, 2012 WL 4538642, at \*2 (D.S.C. Oct. 1, 2012) (citation omitted).

Judicial economy supports a stay as the issue raised by PHH Mortgage in its petition for certiorari concerns preemption, which would impact the claims left for resolution in this case. No trial date has been set in this matter and arguments raised by PHH Mortgage in its motion for

summary judgment remain for decision following remand. PHH Mortgage has further articulated sufficient hardship as it contends that whether preemption applies impacts not only it but the entire financial services industry. Plaintiff has failed to demonstrate any prejudice should a stay be imposed. Accordingly, and for those additional reasons identified by PHH Mortgage in its briefs, the Court in its discretion GRANTS the motion to stay. [DE 147]. This action is hereby STAYED in its entirety pending a decision by the United States Supreme Court on the petition for writ of certiorari. PHH Mortgage shall notify the Court within five (5) days of the filing of a decision on its petition; should the United States Supreme Court grant certiorari, the Court will enter an order extending the stay pending a final decision by the Supreme Court.

SO ORDERED, this 25 day of January 2024.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE